

**V. THE COMMISSION SHOULD PROVIDE ASSISTANCE TO HEALTH CARE PROVIDERS WITHOUT HARMING COMPETITION.**

Section 254(h) (1) (A) requires telecommunications carriers to provide rural health care providers telecommunications services which are "necessary" for the provision of health care services in a state, including instructions relating to such services, at rates that are "reasonably comparable" to those charged for similar services in urban areas of the same state.<sup>36</sup>

As with services provided to schools and libraries, the Commission must exercise its discretion to ensure that the requirements for health care providers do not result in the creation of entry barriers. Specifically, TCI urges the Commission to narrowly construe the term "necessary" so that carriers are obligated to provide the least number of services that a reasonable interpretation of that term will support. The subsidy should also be set at the minimum level necessary to ensure affordability. To the extent that a new entrant's in-kind contributions to universal service as result of providing service to health care providers exceed their required fund contributions, the Commission must ensure some form of equitable compensation.<sup>37</sup>

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<sup>36</sup> 47 U.S.C. § 254(h) (1) (A) .

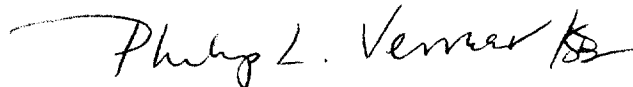
<sup>37</sup> This is necessary because, unlike the provision relating to schools and libraries, there is no explicit mechanism in Section 254(h) (1) (A) for monetary reimbursement for discounted services provided to health care facilities.

TCI supports strongly the availability of advanced telecommunications to rural health care providers. But to the extent possible, such a program should give carriers the option of providing the subsidized services; it should rely on the market rather than regulatory mandates as the most efficient means to achieve the end objective.

#### **VI. CONCLUSION**

The Joint Board should recommend and the Commission should adopt universal service rules consistent with the principles described in these Comments.

Respectfully submitted,



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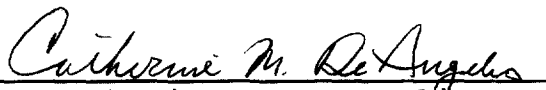
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